

RAYMOND C. CABALLERO  
MAYOR



**CITY COUNCIL**

JAN SUMRALL  
DISTRICT NO. 1

ROSE RODRIGUEZ  
DISTRICT NO. 2

LARRY M. MEDINA  
DISTRICT NO. 3

JOHN COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

LUIS G. SARIÑANA  
DISTRICT NO. 7

ANTHONY COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
DECEMBER 10, 2002  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Late Arrival: Representative Larry M. Medina. Meeting was called to order and the invocation was given by Police Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

**RESOLUTION**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A SPECIAL WARRANTY DEED OF GIFT FROM KEYSTONE HERITAGE PARK, INC., CONVEYING TO THE CITY OF EL PASO A 14.978 ACRE PARCEL OF LAND, MORE OR LESS, BEING A PORTION OF C. A. ENGELSFREUND SURVEY NO. 112, WITHIN THE CITY OF EL PASO, EL PASO COUNTY, TEXAS AND BEING ONE OF THE KEYSTONE DAM WETLANDS AREAS; AND TO SIGN AN AGREEMENT CONCERNING SUCH DONATION OF PROPERTY TO THE CITY OF EL PASO.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor is hereby authorized to sign a Special Warranty Deed of Gift from Keystone Heritage Park, Inc. conveying to the City of El Paso a 14.978 acre parcel of land, more or less, being a *portion of C. A. ENGELSFREUND SURVEY NO. 112, within the City of El Paso, El Paso County, Texas*; and further is authorized to sign an Agreement concerning such donation of property to the City of El Paso.

Mr. Bernie Sergeant, Keystone Heritage Park Inc., gave a slide presentation to the Council Members.

Representatives Cobos and Sumrall expressed their support and commended Mr. Sergeant.

The City Clerk called for further public comment. There was no further public comment.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

Motion made by Representative Cook, seconded by Representative Sumrall, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

Motion made, seconded and unanimously carried to move to the regular agenda the following Resolution.

## **R E S O L U T I O N**

### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Interlocal Governmental Agreement with the Ysleta Independent School District (District) under which 0.5 acres of land, more or less, will be made available for the joint use of the City and the District to provide a shade canopy at R. E. L. Washington Elementary School and to provide an exercise fitness trail and basketball goals at Indian Ridge Middle School for the use of the students and for the citizens of El Paso. Costs to the City are estimated to be \$14,985.00. The use of Representative District 5 Discretionary Funds for such costs is hereby authorized.

Ms. Lisa Turner, citizen, questioned if this would deplete Representative Power's discretionary funds.

Representative Power responded yes and expressed his reasons for the funds for the schools in his district.

The City Clerk called for further public comment. There was no further public comment.

Motion made by Representative Power, seconded by Representative Cook and unanimously carried to approve the above Resolution.

Note: This item was discussed together with the following Resolution.

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Motion made by, seconded by and unanimously carried to move to the regular agenda the following Resolution.

## **R E S O L U T I O N**

### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Amendment to the February 19, 2002, Interlocal Governmental Agreement with the Ysleta Independent School District (District) under which 5.5 acres of land, more or less, has been made available for the joint use of the City and the District to provide a jogging track at Pebble Hills Elementary School for the use of the students and for the citizens of El Paso. The Amendment provides for the installation of nine (9) exercise fitness stations along the jogging track. Costs to the City are estimated to be \$8,275.00. The use of Representative District 5 Discretionary Funds for such costs is hereby authorized.

Note: This item was discussed with the above Resolution.

Motion made by Representative Power, seconded by Representative Cook and unanimously carried to approve the above Resolution.

## **\*RESOLUTION**

### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Lessor's Approval of Assignment of an Industrial Site Lease between the City of El Paso ("Lessor"), George W. Finger ("Assignor"), and Airport Business Center Joint Venture, a joint venture comprised of W. A. Thurmond, Leo Schuster, Jr. and George W. Finger ("Assignees") covering the following property:

Lots 1, 2 and 3 and the West 86.50 feet of Lot 4, Block 10, El Paso International Airport Tracts, Unit 7, City of El Paso, El Paso County, Texas, and municipally known and numbered as 8411 Lockheed, El Paso, Texas.

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Temporary Use Lease between the City of El Paso (Lessor) and Enterprise Leasing Company-West, a Nevada Corporation dba Enterprise Rent-A-Car (Lessee) for the following property: A portion of Ascarate Grant, Block 2, and a portion of Tract 3-B, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, and municipally known and numbered as 6425 Convair Road.

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Motion made, seconded and unanimously carried to move to the regular agenda the following Resolution.

**R E S O L U T I O N**

**WHEREAS**, the City Council has authorized the City Attorney or her designee to negotiate with the owners of the Property legally described as all of Tract 3B and a portion of Tract 4B, Section 9, Block 81, Township 2, Texas and Pacific Railway Surveys, El Paso County, Texas and,

**WHEREAS**, the City Council finds that it is in the interest of the citizens and serves a public purpose to purchase the property.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Appraisal Services by and between the CITY OF EL PASO and ACCURA COMMERCIAL APPRAISALS OF EL PASO for an appraisal to establish value for the Property legally described as all of Tract 3B and a portion of Tract 4B, Section 9, Block 81, Township 2, Texas and Pacific Railway Surveys, El Paso County, Texas.

Ms. Teresa Caballero, citizen, asked questions regarding the property.

Ms. Sylvia B. Firth, Assistant City Attorney, gave the particulars.

The City Clerk called for further public comment. There was no further public comment.

Motion made by Representative Rodriguez, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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**\*R E S O L U T I O N**

Be it resolved by the City Council of the City of El Paso:

That the Mayor be authorized to sign the following contracts on behalf of the Arts and Culture Department for the **FY2003 ALFRESCO! FRIDAYS**, to be held at Arts Festival Plaza as recommended by the Arts and Culture Department's Advisory Board and staff.

1. Azucar; one performance on Friday, June 6, 2003; cost \$800.
2. Thieves of Blues; one performance on Friday, June 13, 2003; cost of \$500.
3. El Paso Wind Symphony; one performance on Friday, June 20, 2003; cost \$4,000.

4. Disciples of Jazz; one performance on Friday, June 27, 2003; cost \$600.
5. Karizma Band; one performance on Friday, July 11, 2003; cost of \$800.
6. Gary & The Jive Junkies; one performance on Friday, July 18, 2003; cost of \$800.
7. Reed This!; one performance on Friday, July 25, 2003; cost of \$350.
8. Art Lewis & The Cincinnati Band; one performance on Friday, August 25, 2003; cost of \$500.
9. Fuga!; one performance on Friday, August 8, 2003; cost of \$500.
10. Fernando Lechuga Swing Trio; one performance on Friday, August 15, 2003; cost of \$825.
11. Marimba El Paso; one performance on Friday, August 22, 2003; cost of 600.
12. Mariachi Los Arrieros; one performance on Friday, 25, 2003; cost of \$800.

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**\*RESOLUTION**

Be it resolved by the City Council of the City of El Paso:

That the Mayor be authorized to sign the following contracts on behalf of the Arts and Culture Department for the **FY2003 Music Under the Stars World Festival**, to be held at the Chamizal National Memorial, as recommended by the Arts and Culture Department's Advisory Board and staff.

1. The Chili Crackers; one performance on Sunday, June 8, 2003; cost of \$600.
2. Maria Esther Martinez; one performance on Sunday, August 17, 2003; cost of \$300.

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**\*RESOLUTION**

Be it resolved by the City Council of the City of El Paso:

That the Mayor be authorized to sign the following contract on behalf of the Arts and Culture Department, between the City and local musician Alfonso Varona, in the amount of \$400.00, for professional services as the piano accompanist during the **FY2003 Young at Art Series** Missoula Children's Theater performances January 10-11, 2003.

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**\*\*RESOLUTION**

**WHEREAS**, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 18th day of September, 2001, after due notice and hearing, ordered GUILLERMO STEPHENS AND 8. record Owners of the hereinafter described property that the Buildings be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Buildings and clean the premises of all weeds, trash, and debris.

**WHEREAS**, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the City Council determines the actual cost of demolishing the Buildings and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 4 and 5, Block 139, Campbell Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 2, Page 68, Plat Records of El Paso County, Texas, more particularly described as 411-413 South Florence Street, El Paso, Texas

to be \$4,676.19, performed by the Street Department of the City of El Paso, making a total of \$4,676.19. The City Council finds that the work was completed on the 25th day of October, 2002, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of FOUR THOUSAND SIX HUNDRED SEVENTY-SIX AND 19/XX DOLLARS (\$4,676.19) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

| <u>Street Address</u> | <u>Lien Amount</u> | <u>District</u>   |
|-----------------------|--------------------|-------------------|
| 5512 Beechwood Place  | \$149.39           | <b>District 1</b> |

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Motion made by, seconded and unanimously carried to move to the regular agenda the following Resolution

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to execute a Recreational Lease on behalf of THE CITY OF EL PASO, and the UNITED STATES SECTION of the INTERNATIONAL BOUNDARY AND WATER COMMISSION (the "USIBWC"), to allow for the City to lease property owned by USIBWC, in order to provide public recreational facilities demonstrating an alternative means of transportation for use by pedestrians, bicyclists and possibly horse riding; such lease being in furtherance of implementing a grant project received from the Texas Department of Transportation.

Representative Sumrall commented.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso, the County of El Paso and the West Texas Community Supervision and Corrections Department for the continuation of "Project Spotlight," a program to provide intensive supervision and surveillance of youth and young adults who are on probation. The City will continue to provide law enforcement officer assistance to the program. The County will pass through grant funding to the City to pay for the services of the participating officers in an amount not to exceed the grant award for such purpose.

\*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor be authorized to accept donations from various business and citizens of merchandise and refreshments for use in connection with the presentation of a three-day conference entitled "Empowering Women in Law Enforcement" to be presented by the Police Department in February 2003; that the Chief of Police or his designee compile a list of all contributions; and that the City Council finds a public purpose in the distribution of any donated merchandise and refreshments to attendees at the conference, as the conference will address issues of importance to the City regarding the recruitment and retention of women in law enforcement.

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an agreement granting an underground electrical easement with transformer site to El Paso Electric Company on a portion of Samuel A. Maverick Survey #174, El Paso County, Texas.

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an agreement granting an underground electrical easement with two (2) transformer sites, to the El Paso Electric Company on a portion of Nations Tobin and Vacated Streets in Nations Tobin, El Paso County, Texas.

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\*Motion made, seconded and unanimously carried to accept the following list of fire hydrants as tested and approved by the El Paso Fire Department:

|    | <b>Hyd. #</b> | <b>Location</b>  |
|----|---------------|--|
| A. | 257           | Ted Houghton Dr., 720' $\pm$ South of Kit Carson Dr.     |
| B. | 7726          | Desert Canyon Dr., 200' $\pm$ East of North Ridge Dr.    |
| C. | 7735          | Gateway East Bl., 493' $\pm$ East of Diesel Rd.          |
| D. | 7795          | Robert E. Lee Rd., 121' $\pm$ North of Montana Av.       |
| E. | 7894          | San Antonio St. & Durango St., North-West corner         |
| F. | 7906          | Bagdad Av., 210' $\pm$ East of Arabian Nights Bl.        |
| G. | 8125          | Pali Dr., 790' $\pm$ South-West of Diamond Head Dr.      |
| H. | 8126          | Pali Dr. & Diamond Head Dr., South-East corner           |
| I. | 8134          | Wind Ridge Dr., 240' $\pm$ West of Stone Ridge Pl.       |
| J. | 8135          | Wind Ridge Dr., 130' $\pm$ East of Stone Ridge Pl.       |
| K. | 8136          | Brook Ridge Cr., 530' $\pm$ South-East of Wind Ridge Dr. |
| L. | 8137          | Wind Ridge Dr., 560' $\pm$ North-East of Brook Ridge Cr. |
| M. | 8155          | Zaragoza Rd. (at easement South), 409' $\pm$ of Pell Rd. |
| N. | 8156          | Zaragoza Rd. (at easement South), & Rabe Ct., South-West |
| O. | 8157          | 600 Rose Kennedy Dr., West                               |
| P. | 8160          | Rose Kennedy Dr., 90' $\pm$ South of Shriver Ln.         |
| Q. | 8161          | Rose Kennedy Dr. & Jean Kennedy Ln., North-West corner   |
| R. | 8162          | Bob Kennedy Wy. & Peace Corps Ln., North-west corner     |
| S. | 8163          | Peace Corps Ln. & Bouvier Wy., South-West corner         |
| T. | 8164          | Rose Kennedy Dr. & Bouvier Wy., South-East corner        |
| U. | 8165          | Rose Kennedy Dr. & Pat Kennedy Dr., South-West corner    |
| V. | 8166          | Rose Kennedy Dr. & John Kennedy Wy., North-East corner   |
| W. | 8167          | Jean Kennedy Ln. & Pat Kennedy Dr., North-West corner    |

|     |      |  |
|-----|------|--|
| X.  | 8171 | Desert South Bl., 815' $\pm$ South of Redd Rd.         |
| Y.  | 8172 | Mt. Olympus Dr. & Hondo Pass Dr., South-East corner    |
| Z.  | 8181 | Mt. Edna Rd., 605' $\pm$ South of Hondo Pass Av.       |
| AA. | 8186 | N. Desert Bl., 376' $\pm$ South of Medano St.          |
| BB. | 8187 | N. Desert Bl., 785' $\pm$ South of Medano St.          |
| CC. | 8188 | Redd Rd., 351' $\pm$ West of Southwestern Dr.          |
| DD. | 8225 | Northern Pass Dr. & Resler Dr., North-West corner      |
| EE. | 8226 | Northern Pass Dr., 635' $\pm$ West of Resler Dr.       |
| FF. | 8241 | Alameda Av., 685' $\pm$ North of Americas Av.          |
| GG. | 8244 | Resler Dr. (Easement), 714' $\pm$ North of Redd Rd.    |
| HH. | 8245 | Resler Dr. (Easement), 1149' $\pm$ North of Redd Rd.   |
| II. | 8250 | George Perry Bl., 6100' $\pm$ West of Yarbrough Dr.    |
| JJ. | 8252 | George Perry Bl., 4100' $\pm$ West of Yarbrough Dr.    |
| KK. | 8253 | George Perry Bl., 3100' $\pm$ West of Yarbrough Dr.    |
| LL. | 8256 | George Perry Bl., 110' $\pm$ West of Yarbrough Dr.     |
| MM. | 8258 | George Perry Bl., 1789' $\pm$ East of Yarbrough Dr.    |
| NN. | 8259 | George Perry Bl. & Walter Jones Bl., North-West corner |
| OO. | 8260 | Emmet Larkin Dr., 232' $\pm$ North of Stoney Hill Dr.  |
| PP. | 8261 | Umbria Dr., 292' $\pm$ North of Stoney Hill Dr.        |
| QQ. | 8262 | Umbria Dr., 235' $\pm$ North of Arjay Dr.              |
| RR. | 8275 | Airway Bl., 112' $\pm$ South of Montana Av.            |
| SS. | 8278 | Starry Night Dr. & Cloudy Sky Dr., North-East corner   |
| TT. | 8279 | Night Fall Dr. & Cloudy Sky Dr., South-East corner     |
| UU. | 8280 | Night Fall Dr., 465' $\pm$ West of Setting Sun Dr.     |
| VV. | 8281 | Night Fall Dr. & Crescent Moon Ct., North-East corner  |
| WW. | 8282 | Crescent Moon Ct., 210' $\pm$ West of Setting Sun Wy.  |
| XX. | 8283 | Morning Dawn Av. & Setting Sun Wy., North-West corner  |
| YY. | 8284 | Morning Dawn Av., 260' $\pm$ East of Night Fall Dr.    |
| ZZ. | 8285 | Night Fall Dr. & Starry Night Dr., North-East corner   |

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### **\*RESOLUTION**

#### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a one (1) year El Paso Border Air Monitoring Agreement with the Texas Commission on Environmental Quality (TCEQ) for Contract No. 582-3-55815, on behalf of the El Paso City-County Health and Environmental District. This Agreement relates to one continuous air monitoring station and two continuous PM10 monitors. There is no cost to the City County Health and Environmental District related to this air monitoring agreement.

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Motion made by, seconded by and unanimously carried to move to the regular agenda the following Resolution.

### **RESOLUTION**

#### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Director of the El Paso Museum of Art be authorized to sign a loan agreement, on behalf of the City of Paso, for the exhibition *Target Presents, Chicano Visions: American Painters on the Verge*, organized by Clear Channel Entertainment – Exhibits Inc., which will be held June 6 – September 14, 2003.

Motion made by Representative Sumrall, seconded by Representative Cobos to approve the above Resolution.

**NAYES:** Representatives Rodriguez, Medina, Cook, Power, Escobar, and Sariñana.

Ms. Becky Duval Reese, Director of Museums, explained that revenue from Museums proceeds would be utilized for rental and shipping costs.

Representative Medina supports Target sponsoring this exhibit and expressed his concern regarding the cost of insurance.

**\*RESOLUTION**

That the Mayor be authorized to sign a Right of Entry Agreement with the U.S. Immigration and Naturalization Service (INS)/Border Patrol for conducting site evaluations and investigations along the Rio Bosque Wildlife Refuge, including but not limited to environmental, archeological and biological assessments. Such assessments are to determine alignment of camera surveillance towers along or adjacent to the United States and Mexico border.

## \*RESOLUTION

That the Mayor be authorized to execute the following contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

## DEPARTMENT ID: 51510131, ACCOUNT 501011

1. Juanita Ramirez, Day Care Instructor, Step 5, Contract period begins on the date approved by City Council to August 31, 2003. **2002/2003-014**
2. Virginia Martinez Mata, Daycare Instructor, Step 6, Contract period begins on the date approved by City Council to August 31, 2003. **2002/2003-015**

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**PAVO REAL RECREATION CENTER**

**DEPARTMENT ID: 51510115, ACCOUNT 502214**

1. CONTRACTOR: Richard Velez, Karate Instructor  
DATES: December 3, 2002, thru February 28, 2003  
RATE PER CL: \$9.55  
MAXIMUM AMT: \$382.00  
CONTRACT: 2002/2003-074

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**ACOSTA SPORTS CENTER**

**DEPARTMENT ID: 51010215, ACCOUNT 502215**

1. CONTRACTOR: El Paso Umpires Association, Basketball Officials  
DATES: December 13, 2002, thru August 31, 2003  
RATE PER GM: \$42.00  
MAXIMUM AMT: \$27,300.00  
CONTRACT: 2002/2003-075
2. CONTRACTOR: Sun City Officials Association, Basketball Officials  
DATES: December 13, 2002, thru August 31, 2003  
RATE PER GM: \$44.00  
MAXIMUM AMT: \$11,000.00  
CONTRACT: 2002/2003-076

**\*RESOLUTION**

**WHEREAS**, The El Paso Public Library welcomes and encourages groups or individuals to volunteer at any of the library locations; and,

**WHEREAS**, based on the number of volunteers the El Paso Public Library has had in the past, there is a tremendous interest within the community to provide such volunteer services; and,

**WHEREAS**, there is a wide diversity in talent and time between the groups and individuals wishing to volunteer, some providing specific services for a day and others providing their services for longer periods; and,

**WHEREAS**, the establishment of an El Paso Public Library Volunteer Program will expedite the process and allow talented and supportive volunteers to assist the library in serving the public by enhancing the services provided to the community; and,

**WHEREAS**, such a Volunteer Program will allow the City Library staff and the volunteers to form a partnership to deliver quality services to the public; and,

**WHEREAS**, the Civil Service Commission has reviewed and recommended approval of such Volunteer Program,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City of El Paso establishes the El Paso Public Library Volunteer Program under the policy established by the El Paso Public Library for the purpose of allowing members of the public to volunteer at any of the El Paso Public Library locations.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign Contracts between the **CITY OF EL PASO** and the following individuals to assist the Museum of Art as instructors for the Museum School at an hourly rate of \$20.00. The term of the contracts shall be for the period of December 13, 2002 through May 31, 2003. Contracts subject to approval of the City's Civil Service Commission.

1. AMANDA RETA-CABEZUT, Workshop Instructor, for six hours per week.
2. JONATHAN JAMES FAFLIK, After School and Camp Instructor, for twelve hours per week.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **LEAH MOORE** to assist the El Paso Police Department as a Domestic Abuse Response Team Case Manager at an hourly rate of \$12.50 for 40 hours per week. The contract period is from December 13, 2002 through August 31, 2003 and is subject to the approval of the City's Civil Service Commission.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **JESUS URIBE** to assist the El Paso Police Department as a Victim Services Response Team Case Manager at an hourly rate of \$12.50 for 40 hours per week. The contract period is from December 13, 2002 through June 30, 2003 and is subject to the approval of the City's Civil Service Commission.

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**R E S O L U T I O N**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, EDWARD H. JR & MARGARET E. SMITH of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determined the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

202 Balboa, City of El Paso, El Paso County, Texas, being more particularly described as Lot 224 (7631.92 SQ FT) Block 12, Coronado Hills Subdivision, Parcel C818-999-0120-0700;

to be TWO HUNDRED FIFTY AND 06/100 DOLLOAR (\$250.06) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Twenty Third day of September, 2002 approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of TWO HUNDRED FIFTY AND 06/100 DOLLARS (\$250.06) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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**RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, CHERIE L. HICKMAN of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determined the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

623 Tepic Drive, City of El Paso, El Paso County, Texas, being more particularly described as Lot 17 & WLY 247.50 SQ FT OF 18 (8498 SQ FT), Block 105, Chaparral Park #121 Subdivision, Parcel C340-999-1050-3300

to be SIXTY SIX AND 50/100 DOLLARS (\$66.50) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Eleventh day of September, 2002 approves the costs.



## R E S O L U T I O N

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, HELEN JACQUEZ of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determined the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3491 Magdalena, City of El Paso, El Paso County, Texas, being more particularly described as Lot 15, Block 2, Buena Vista Subdivision, Parcel B800-9999-0020-6100;

to be ONE HUNDRED EIGHTY TWO AND 40/100 DOLLARS (\$182.40) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Twenty Third day of September, 2002 approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of ONE HUNDRED EIGHTY TWO AND 40/100 DOLLARS (\$182.40) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....

## R E S O L U T I O N

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, DANIEL II & JAYCOB PARTIDA of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

- 325 Gladys Avenue, City of El Paso, El Paso County, Texas, being more particularly described as Lot 27, Block 1, Thomas Manor Subdivision, Parcel T240-999-0010-7900;

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of ONE HUNDRED FORTY FIVE AND 06/100 DOLLARS (\$145.06) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, CARLOS SUBIA of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

- 810 Pine Place, City of El Paso, El Paso County, Texas, being more particularly described as Lot 18, Block 14, Womble Subdivision, Parcel W813-999-0140-6600;

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of ONE HUNDRED FORTY THREE AND 97/100 DOLLARS (\$143.97) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

- REGULAR COUNCIL MEETING – DECEMBER 10, 2002

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....  
\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 7<sup>th</sup> day of January, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 2322 Silver Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 20 and 21, Block 62, Highland Park Addition

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Ruben Anguiano, 2330 Montana Avenue, El Paso, Texas 79903, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....  
\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 7<sup>th</sup> day of January, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3737 Fred Wilson Road, in El Paso, Texas, which property is more particularly described as:

Lots: 1 to 4 & 47 ft. Adj. On E, Block 73A, Logan Heights

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Maria C. Sanora & Isabel Medina, 1994 Blake, Los Angeles, CA 90039-3834, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....  
\*Motion made, seconded and unanimously carried to approve the request to fill positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Laborer(1)

.....  
\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Airport

Add                2.0                Communications Dispatcher II                GS 18

.....  
\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Zoo

Del                1.0                Animal Diet Specialist                GS 17  
Add                1.0                Zoo Commissary Supervisor                GS 18

.....  
\*Motion made, seconded and unanimously carried to re-appoint Raymond Dunigan to the RSVP Advisory Council by Representative Jan Sumrall.

.....  
\*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision:                Park Hills Unit Two  
Owner/Developer:                E.P. Park Hills II, LTD.  
Consultant:                CONDE Engineering

Street Improvements:

Calle Parque Drive - from the northwest subdivision boundary line to the southwest subdivision boundary line

Calle Roja Way - from the northeast property line of Calle Parque Drive to the end of the cul-de-sac

Drainage Improvements:

Surface Drainage

.....  
\*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision:                Sombras Del Sol Unit One  
Owner/Developer:                JNC Land Co., Inc.  
Consultant:                ATCON Engineering

Street Improvements:

Sombra Del Sol Way - from the southwest subdivision boundary line to the northeast property line of Sombra Grande Drive

Sombra Grande Drive - from the northwest subdivision boundary line to a 173.45 ft. northeast of northwest subdivision boundary line

Sombra Fuerte Drive - from the northeast subdivision boundary line to a 215 ft. southeast of the northeast subdivision boundary line

Tierra Robles Drive - from the southeast subdivision boundary line to the north property line of Sombra Fuerte Drive

Drainage Improvements:

Surface Drainage

.....  
\*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID # S075-000-0320-03D0, \$507.86 per month installments on a balance of \$4,062.88 for 1999, 2000 & 2001; Carlos & Sandra Alarcon – 1284 Coldwell Rd.
- B. PID # D800-006-0020-1201, \$146.58 per month installments on a balance of \$1,758.96 for 1999, 2000 & 2001; Fred Nunez – 18681 Joe Ojeda.
- C. PID # M946-999-0070-6500, \$309.68 per month installments on a balance of \$3,716.16 for 1997 & 2000; Enrique & Tatiana Ocampo – 1521 Mundy Dr.
- D. PID # W813-999-0070-4100 & W813-999-0170-5700, \$1,603.03 per month installments on a balance of \$14,427.27 for 1996, 1997, 1998, 1999, 2000 & 2001; Alfredo Gomez – No Address assigned.
- E. PID # S075-000-0450-04E0, \$202.22 per month installments on a balance of \$2,426.64 for 1999 & 2001; Ruben & Mary Flores – No Address Assigned.

.....  
\*Motion made, seconded and unanimously carried to issue Three Hundred and Fifty Dollars (\$350.00) from District 8 Discretionary Funds to repair damage done to the "Aguaderos" mural located on the 1st Pump Station on Los Angeles Street in the historic Sunset Heights area as requested by Representative Anthony Cobos.

.....  
Motion made by, seconded, and unanimously carried to move to the regular agenda PEBSCO (Nationwide Retirement Solutions) Contract No. 98-0498, January 1, 2003, through March 31, 2003.

Representative Rodriguez questioned the three-month extension.

Mr. Charlie McNabb, Chief Administrative Officer, gave the particulars for the 3-month extension.

Motion made by Representative Sumrall, seconded by Representative Cook and carried to approve that the Director of Purchasing be authorize a three (3) month extension to the current contract with PEBSCO (Nationwide Retirement Solutions). This extension is necessary to provide additional time for contract negotiations on a new contract and for a transition period to move in the new contract. Contract No. 98-0498, January 1, 2003, through March 31, 2003.

Option No.: N/A  
Account No.: N/A  
Funding Source: N/A  
Department: Office of Management & Budget

Representative Rodriguez voted Nay.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2002-230 Compressed Air Foam System, Skid Mounted

Award to: Burner Fire Control, Inc.  
La Fayette, LA  
Item(s): Item No. 1 (All)  
Amount: \$32,500.00  
  
Department: Fire  
Funds available: 04250203-27251-PMB0003130-508029  
Funding source: FY02 CERT OB EQUIP – CITY EQUIP  
Total award: \$32,500.00

The Fire and Purchasing Departments recommend award as indicated to the Best Value Procurement. The bid also offered the lowest price.

This is a fixed-price, single (one-time) purchase, to purchase a skid-mounted compressed air foam system. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred eighty (180) days from the date of award of the contract. No prompt payment discount is offered.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2003-021 25-Yard Roll Off Trucks

Award to: Border International Trucks, Inc.  
El Paso, Texas  
Item (s): #1 (2 each) 25-Yard Roll Off Truck @\$103,310.00/each  
Option #O-5 (2 each) 5 year Extended Warranty on  
Transmission @ \$1,900.00/each  
Option #O-9 (2 each) Aluminum Wheels (set)  
@ \$1,596.00/each  
Amount: \$213,612.00  
  
Department: Solid Waste Management  
Funds available: 04252003-27261-PMB0004160-508029  
45202-37370510-503121  
Funding source: FY03 SWM Capital Equipment /  
Internal Service Fund-Equipment Maintenance  
Total award: \$213,612.00

The Solid Waste Management and Purchasing Departments recommend award as indicated to the Best Value Procurement. The bid also offered the lowest price.

This is a fixed-price, single (one-time) purchase, to purchase 25-yard roll off trucks. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within sixty (60) and/or ninety (90) days from the date of award of the contract. No prompt payment discount is offered.

\*Motion made, seconded and unanimously carried to award Bid No. 2002-225 Uniforms for the Street Department

|           |             |  |
|-----------|-------------|--|
| Award to: | Vendor (1): | Workwear Safety Shoes<br>El Paso, Texas                  |
| Item (s): |             | #1 and #11   |
| Amount:   |             | \$30,189.50 (estimated annually)                         |
| Award to: | Vendor (2): | Iron Age Corporation<br>Pittsburgh, PA                   |
| Item (s): |             | #2   |
| Amount:   |             | \$2,925.00 (estimated annually)                          |
| Award to: | Vendor (3): | 9MM Firearms & Accessories, LLC<br>Corpus Christi, Texas |
| Item (s): |             | #3   |
| Amount:   |             | \$3,208.04 (estimated annually)                          |
| Award to: | Vendor (4): | Bazaar Uniforms & Men's Store<br>El Paso, Texas          |
| Item (s): |             | #4, 5, 7, 8 and 10                                       |
| Amount:   |             | \$32,876.15 (estimated annually)                         |
| Award to: | Vendor (5): | Tiger Innovations Group<br>Ellington, CT                 |
| Item (s): |             | # 6 and 9  |
| Amount:   |             | \$17,389.00 (estimated annually)                         |

|                  |                                 |
|------------------|---------------------------------|
| Department:      | Street                          |
| Funds available: | 32010159-503123-32010200-503120 |
| Funding source:  | 01101                           |
| Total award:     | \$86,587.69                     |

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor #1 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award. Vendors #2, 3, 4, & 5 offer the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award. Vendor #4 also offers the City a prompt payment discount of 1% 10 days. This is a Requirements Type Contract with an initial term of Twenty-Four months.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2001-296 Rehabilitation of Stanton Street Bridge, Santa Fe Bridge and Stanton Bridge Toll Facility

|                  |   |
|------------------|---|
| Contractor:      | J. A. R. Concrete Inc.<br>El Paso, Texas        |
| Department:      | Street Department                               |
| Funds Available: | 32000080/PBR004130-PBR003130/43014-43011/508027 |
| Funding Source:  | SIB Loan FY 2000                                |
| Items:           | Base Bid I<br>Alternate I                       |
|                  | \$1,863,000.00<br>\$ 8,000.00                   |
| Total Award:     | \$1,871,000.00                                  |

The Departments of Purchasing, Engineering and Street recommend the award of this contract to J. A. R. Concrete Inc. the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

funds description:

Funding for this project was obtained from a loan from the State Infrastructure Bank and executed under City Council Resolution dated April 20<sup>th</sup> 1999. Loan approval date: September 30, 1999.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda Bid No. 2003-034 West Green Park Improvements

Representative Sumrall commented on the absence of jogging trails and basketball courts.

Mr. Ray Cox, Recreation Services Manager, Parks and Recreation, explained what the project includes.

Representative Rodriguez expressed concerns that park projects fail to deliver as promised.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to award Bid No. 2003-034 West Green Park Improvements

|                  |   |              |
|------------------|---|--------------|
| Contractor:      | Banes General Contractors, Inc.<br>El Paso, Texas |              |
| Department:      | Parks & Recreation Department                     |              |
| Funds Available: | 31130550/PPW0046042YR2/60045/508027               |              |
| Funding Source:  | FY 2000 Quality of Life                           |              |
| Items:           | Base Bid I  | \$276,400.00 |
| Total Award:     |   | \$276,400.00 |

The Departments of Purchasing, Engineering and Parks and Recreation recommend the award of this contract to Banes General Contractors, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....

\*Motion made, seconded and unanimously carried to award Bid No. 2003-040 McCombs Landfill III Sector

|                  |                                 |                |
|------------------|---------------------------------|----------------|
| Contractor:      | Kirkland Construction L.L.L.P.  |                |
|                  | Rye, CO                         |                |
| Department:      | Solid Waste Management          |                |
| Funds Available: | 31260001-(PPW0302)-60601-508027 |                |
| Funding Source:  | FY2003 COs                      |                |
| Items:           | Additive Alternate No. 2        | \$1,840,000.00 |
| Total Award:     |                                 | \$1,840,000.00 |

The Departments of Purchasing, Engineering and Solid Waste Management, recommend the award of this contract to Kirkland Construction L.L.L.P., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney.

Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda RFP No: 2003-009R  
Deferred Compensation Administrator

Mr. Rafael Gardon, City employee, commented.

Motion made by Representative Medina, seconded by Representative Cook and carried to postpone one (1) week RFP No. 2003-009R Deferred Compensation Administrator

|                  |                                       |
|------------------|---------------------------------------|
| Award to:        | ING Financials Advisors               |
|                  | Fairfax, VA                           |
| Item (s):        | All                                   |
| Amount:          | N/A                                   |
| Department:      | Office of Management and Budget       |
| Funds available: | N/A                                   |
| Funding source:  | Employee Voluntary Contributions Only |
| Total award:     | N/A                                   |

The OMB Legislative Review Committee based on evaluation factors established for this RFP recommend award to ING Financials Advisors, LLC.

This is a three (3) year contract with the option to extend the contract for two additional one-year periods.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review any related contract documents and agreements necessary.

The final contract will be placed on the City Council agenda, at a future date for City Council final approval and authorization to execute contract agreements, the Mayor to execute and to proceed.

AYES: Representatives Rodriguez, Medina, Cook, Power and Escobar

NAYS: Representatives Sumrall, Sariñana and Cobos

.....  
\*Motion made, seconded and unanimously carried to approve the request of Jose R. Sanchez to block off St. Vrain between Seventh St. and Eighth St. on December 14, 2002 from 4:00 p.m. to 9:00 p.m. and December 15, 2002 from 8:00 a.m. to 9:00 p.m. for a block party (matachines). Approximately 100 persons will take part and 50 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 02-190 [Jose R. Sanchez]

.....  
\*Motion made, seconded and unanimously carried to approve the request of Centro de Salud Familiar La Fe, Inc. to block off Scenic Drive on December 21, 2002 from 5:30 a.m. to 11:59 p.m. for lighting and viewing of luminarias. Route starts at Richmond Street and Alabama to Rim Road and Robinson. Approximately 250 persons and 4 animals will take part and 1000 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 02-193 [Irma Rangel]

.....  
Motion made by, seconded by and unanimously carried to move to the regular agenda the request of Juana Correa to block off 3400 Block of Louisville Ave. between Copia Street and Byron Street on December 13, 2002 from 10:00 p.m. to 11:59 p.m. and December 14, 2002 from 12:00 a.m. to 11:59 p.m. for a block party. Approximately 20 persons will take part and 150 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." This request includes permission to use amplification (amplifier & microphone- 500 watts). PERMIT NO. 02-192 [Domingo Correa, Sr.]

Representative Rodriguez moved to deny due to the closest property owner not signing the petition.

Motion made by Representative Rodriguez, seconded by Representative Sumrall and carried to deny the request of Juana Correa to block off 3400 Block of Louisville Ave. between Copia Street and Byron Street on December 13, 2002 from 10:00 p.m. to 11:59 p.m. and December 14, 2002 from 12:00 a.m. to 11:59 p.m. for a block party. Approximately 20 persons will take part and 150 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." This request includes permission to use amplification (amplifier & microphone- 500 watts). PERMIT NO. 02-192 [Domingo Correa, Sr.]

Representative Medina abstained from voting.

.....  
\*Motion made, seconded and unanimously carried to approve the request of Sacred Heart Church to block off S. Oregon St. between 4<sup>th</sup> & Fr. Rahm on December 11, 2002 & December 12, 2002 from 6:00 p.m. to 11:59 p.m. for a block party (matachines). Approximately 50 persons will take part and 60 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." PERMIT NO. 02-194 [Fr. Rafael Garcia, S.J. or Ignacio Escandon]

.....  
\*Motion made, seconded and unanimously carried to approve the request of St. Pius X Danza to block off the 4900 block of Chesterfield on December 14, 2002 from 10:00 a.m. to 5:00 p.m. for a matachines dance / block party. Approximately 30 persons will take part and 50 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." PERMIT NO. 02-195 [Bobbie Hernandez]

## ORDINANCE 15301

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT ON BEHALF OF THE CITY OF EL PASO WITH KEYSTONE HERITAGE PARK, INC., ACCEPTING IN-KIND AND MONEY CONTRIBUTIONS FROM KEYSTONE HERITAGE PARK, INCORPORATED, IMPOSING CERTAIN REQUIREMENTS, AND INCLUDING A LEASE AGREEMENT FOR THE PURPOSE OF USE AND MANAGEMENT OF CITY-OWNED PROPERTY INCLUDING PARKLAND AS DESCRIBED IN THE AGREEMENT.**

See discussion on page 1 for the Resolution on Keystone Heritage Park, Inc.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cook, seconded by Representative Sumrall, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
Motion made by Representative Cook, seconded by Representative Power and unanimously carried to postpone until the Regular Council Meeting of January 7, 2003 (01/07/03) an Ordinance repealing Ordinance 14996, which created Tax Incremental Finance (TIF) District #2.

Ms. Patricia Aauto, Director of Planning, Research and Development, gave a presentation.

Representative Sariñana requested a vote.

Representative Cook commented on the Fair Market Values.

Representative Sumrall asked questions about the arena and TIF downtown.

Representative Cobos expressed concerns with the Brownfields remediation and ASARCO.

Representative Escobar noted that the Council has the final decision on TIF projects.

Mayor Caballero commented that the TIFS allow payments for more than the Market Value.

Representative Power expressed the need to address issues to relieve fears of the public.

The following individuals expressed their concerns:

1. Mr. James Klultz, citizen, expressed opposition to TIF
2. Ms. Marina Rios, citizen, expressed concerns about San Juan and opposition to TIF
3. Mr. Vacilio Valerzuela, citizen, expressed opposition to TIF
4. Mr. Oscar Frago, citizen, commented
5. Mr. Carlos Macillas, citizen, requested extension of public comments and he suggested TIF repeal
6. Mr. Roberto Salazar, citizen, concerned that the residents of Buena Vista have not been informed
7. Mr. Leopoldo Sierra, citizen, expressed opposition to TIF
8. Mr. Doug Ramsey, citizen, expressed opposition to TIF

9. Mr. Ken Schillinger, citizen, expressed opposition to TIF
10. Ms. Vivian Rojas, citizen, expressed opposition to TIF and thanked council for information
11. Ms. Teresa Caballero, citizen, expressed opposition to TIF
12. Ms. Lisa Turner, citizen, wanted to hear from citizens of the Canutillo district, requested other plans
13. Ms. Lucinda Cuellar, citizen, expressed concerns that property be purchased as soon as possible.

.....  
 An Ordinance amending Ordinance No. 14999 (which created Tax Increment Financing District Number Three (No. 3), by amending Section 9.1 concerning the composition of the Board of Directors and Section 12 concerning the taxes to be included in the Tax Increment Fund, and providing a severability clause.

See comments above on TIF No. 2.

Representative Sumrall expressed her concern regarding ASARCO clean up plans.

Representative Power commented.

There being no further public comment, the vote was taken.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to postpone until the Regular Council Meeting of January 7, 2003 (01/07/03) an Ordinance repealing Ordinance 14999, which created Tax Incremental Finance (TIF) District #3.

.....  
**ORDINANCE 15302**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 14996 (WHICH CREATED TAX INCREMENT FINANCING DISTRICT NUMBER TWO (NO. 2), BY AMENDING SECTION 9.1 CONCERNING THE COMPOSITION OF THE BOARD OF DIRECTORS AND SECTION 12 CONCERNING THE TAXES TO BE INCLUDED IN THE TAX INCREMENT FUND, AND PROVIDING A SEVERABILITY CLAUSE.**

**1<sup>st</sup> Motion:**

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to instruct staff to draft an Ordinance to impose a two-year moratorium on the acquisition of real property within TIF Number Two (No. 2) by use of eminent domain for TIF Projects and to limit the life of the TIF to twenty-five (25) years.

**2<sup>nd</sup> Motion:**

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to amend the above Ordinance for the composition of the Board of Directors for the Tax Increment Financing District Number Two (No. 2) to one (1) appointee by the Mayor, one (1) appointee by each City Council Representative, and one (1) appointee by the El Paso County Hospital District.

Representative Cobos expressed concerns regarding Representative Cook's amendments.

Ms. Rita Rodriguez, City Attorney, addressed what actions the Council could take.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Rodriguez, that the Ordinance be adopted as **amended**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted as **amended**.

.....  
**ORDINANCE 15303**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 14999 (WHICH CREATED TAX INCREMENT FINANCING DISTRICT NUMBER THREE (NO. 3), BY AMENDING SECTION 9.1 CONCERNING THE COMPOSITION OF THE BOARD OF DIRECTORS AND SECTION 12 CONCERNING THE TAXES TO BE INCLUDED IN THE TAX INCREMENT FUND, AND PROVIDING A SEVERABILITY CLAUSE.**

**1<sup>st</sup> Motion:**

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to amend the above Ordinance for the composition of the Board of Directors for the Tax Increment Financing District Number Three (No. 3) to one (1) appointee by the Mayor, one (1) appointee by each City Council Representative, one (1) appointee by the Downtown Management District, and one (1) appointee by the El Paso County Hospital District.

**2<sup>nd</sup> Motion:**

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to instruct staff to draft an Ordinance to impose a nine-month (9) moratorium on the acquisition of real property within TIF Number Three (No. 3) by use of eminent domain for TIF Projects and to limit the life of the TIF to twenty-five (25) years.

**3<sup>rd</sup> Motion:**

Motion made by Representative Cook, seconded by Representative Medina and carried to instruct staff to Introduce an Ordinance which will amend the boundaries using Alternative 2a as presented by Ms. Pat Aauto, Director of Planning, Research and Development at the Council Meeting.

Representative Sumrall voted Nay.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Power, that the Ordinance be adopted as **revised**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted as **revised**.

.....  
Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to postpone one (1) week an Ordinance granting to Southern Union Company, a Delaware Corporation, permission and authority to assign and transfer to ONEOK, Inc., an Oklahoma Corporation, its rights and obligations under Ordinance No. 014360, as amended by Ordinance No. 014496, which grants certain non-exclusive powers, licenses, rights-of-way, privileges and franchise to construct, operate and maintain in the City of El Paso, Texas, a natural gas distribution system.

Motion made by Representative Cobos, seconded by Representative Sumrall and carried to deny an Ordinance changing the zoning of Lots 15 & 16, Block 86, FRANKLIN HEIGHTS ADDITION, El Paso, El Paso County, Texas (1207 Arizona Avenue) from R-5 (Residential) to S-D (Special Development). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: Charles Alcantar, 1155 Westmoreland, Suite 107, El Paso, TX 79925. ZC-02031

Representative Medina voted Nay.

Representative Cobos commented.

Mr. Charles Alcantar, applicant, commented.

Ms. Patricia D. Adauto, Director of Planning, Research and Development, commented and answered questions from Council Members.

The City Clerk called for further public comment. There was no further public comment.

.....  
**ORDINANCE 15304**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-02020 TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 17 & 18, BLOCK 53, FRANKLIN HEIGHTS, EL PASO, EL PASO COUNTY, TEXAS (1701 WYOMING), PURSUANT TO SECTION 20.64.175, AND THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Escobar not present for the vote.

.....  
**ORDINANCE 15305**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1, SECTION 31, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD CO. SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (11600 MONTANA) FROM RMH/SP (RESIDENTIAL MOBILE HOME/SPECIAL PERMIT) TO PR-1 (PLANNED RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Power, seconded by Representative Sumrall, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Escobar not present for the vote.

.....  
**ORDINANCE 15306**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, BLOCK 1, HAWKINS PLAZA, EL PASO, EL PASO COUNTY, TEXAS (1550 HAWKINS BOULEVARD) FROM S-D (SPECIAL DEVELOPMENT) TO C-2 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia Aduato, Director of Planning, Research and Development, explained the approval process and presented recommendations and opposition received by the department.

Representative Power requested the particulars on the oppositions received.

Mr. David Brant, applicant, explained the intended use.

Representative Power questioned Mr. Brant about noise levels and hours of operation.

Representative Sumrall questioned what was previous use.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Power, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 15307**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-02014, TO ALLOW FOR A DANCEHALL ON A PORTION OF LOT 1, BLOCK 1, HAWKINS PLAZA, EL PASO, EL PASO COUNTY, TEXAS (1550 HAWKINS BOULEVARD) PURSUANT TO SECTION 20.38.040 (ZONING), AND THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

See discussion on ordinance 15306.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Power, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 15308**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 4K1 AND 5B1A1, BLOCK 55, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (1125 NORTH ZARAGOZA ROAD) FROM R-4 (RESIDENTIAL) TO C-1 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Sariñana asked Ms. Patricia Aauto, Director of Planning, Research and Development, about the opposition and size of the lot.

Representative Escobar expressed concerns regarding driveway access for the residents.

Ms. Aauto noted the lot size as 6500 sq ft.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Sariñana, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 15309**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACT 12, BLOCK 27, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (7564 ALAMEDA AVENUE) FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL) AND IMPOSING A CONDITION. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia Aauto, Director of Planning, Research and Development, provided back-up information.

Representative Medina questioned whether the rock wall would shelter residents from the dealership.

Representative Sariñana expressed his support of amending with the condition of one additional feet of screening wall.

Mr. Terry Williams, Deputy Director Building Services, gave the particulars.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Sariñana, seconded by Representative Cobos, that the Ordinance be adopted as **revised**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted **revised**.

.....  
**ORDINANCE 15310**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, BLOCK 2, SECOND REVISED MAP OF TOWN AND COUNTRY VILLAGE, EL PASO, EL PASO COUNTY, TEXAS (DONIPHAN DRIVE AT BAUXITE AVENUE) FROM A-2 (APARTMENT) TO C-1 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Sumrall questioned usage and cited a letter in opposition.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Sumrall, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 15311**

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING A PORTION OF CONSTITUTION DRIVE RIGHT-OF-WAY, SUNLAND COMMERCIAL DISTRICT UNIT 4, EL PASO, EL PASO COUNTY, TEXAS.**

Ms. Patricia Aauto, Director of Planning, Research and Development, gave the particulars.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Sumrall, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Motion made by Representative Power, seconded by Representative Sumrall and unanimously carried to postpone until the Regular Council Meeting of Monday, December 23, 2002 (12/23/02) an Ordinance vacating a portion of Harkis Road adjacent to Lot 8, Block 7 and Lot 9, Block 8, Hueco View Acres, City of El Paso, El Paso County, Texas.

Ms. Patricia Aauto, Director of Planning, Research and Development, gave the particulars

The City Clerk called for public comment. There was no public comment.

.....  
**ORDINANCE 15312**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO CREATE THE CLASS OF PUBLIC SAFETY COMMUNICATOR.**

Representative Rodriguez asked about the classification and grade.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Medina, seconded by Representative Sumrall, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
**ORDINANCE 15313**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF PUBLIC SAFETY SENIOR DISPATCHER – FIRE**

See discussion for ordinance 15312.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Medina, seconded by Representative Sumrall, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

## RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 9050 Escobar Drive, in El Paso, Texas, which property is more particularly described as follows:

Tract: 7c, Save and Except a portion thereof, Block 55, Ysleta Grant, an Addition to the City of El Paso, El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Escobar Partnership, 8811 Alameda Avenue, El Paso, Texas 79907, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on December 10<sup>th</sup>, 2002; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. That the structure cannot be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the Building be demolished within (30) days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That a public hearing be scheduled for January 28<sup>th</sup>, 2003 in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
  - d. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - e. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - f. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and

3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the Building and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the demolition of the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. the affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Escobar, seconded by Representative Sumrall and unanimously carried to approve the above resolution.

\*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action on a recommendation by the Bond Overview Advisory Committee that the design of the Reptile House be moved forward, and if feasible, that the construction bid be combined with the Zoo Support Facilities, provided it does not delay or impede construction of the Zoo Support Facilities.

.....  
Motion made by Representative Cobos, seconded by Representative Sumrall and unanimously carried to approve the recommendation by the Bond Overview Advisory Committee that the San Jacinto Park Project be moved from Year 2005 to 2003, finding that maximum efficiencies will be achieved by combining the restoration of the 'Lagartos Statue' with the work proposed for San Jacinto Park.

.....  
Motion made Representative Cobos, seconded by Representative Escobar and unanimously carried to approve the appeal by Ezra Ortiz Farah at 1029 Wyoming on the denial of a license for the sale of alcoholic beverages due to the business's proximity to a commercial daycare in accordance with Section 20.08.090(B)(1) and 20.08.090(B)(4) of the El Paso Municipal Code. The determination was made by Council based on the fact that it does not serve its intended purpose, Section 20.08.090.B.4.d.

Mr. Terry Williams, Deputy Director Building Services, gave the particulars.

Representative Cobos read into the record a letter of opposition and requested a reply from the applicant.

Mr. Ezra Ortiz, applicant, commented and answered questions from Council Members.

.....  
Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to approve the process to be used to make the reappointment of the City's appointee to the Board of Trustees of the El Paso Community Mental Health and Mental Retardation Center, Ms. Susannah Dickman, for the term that is set to expire on December 31, 2002.

Ms. Elaine Hengen, Assistant City Attorney, provide backup on the appointment process.

Representative Power gave support and thanked Ms. Dickman.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda

## **RESOLUTION**

### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Geotechnical and Testing Laboratory Services by and between the CITY OF EL PASO and RABA-KISTNER CONSULTANTS (SW), INC., for a one (1) year period for an amount not to exceed SEVEN HUNDRED FIFTY THOUSAND DOLLARS AND 00/100 (\$750,000.00).

Ms. Lisa Turner, citizen, asked questions regarding the firm's selection.

Ms. Irene Ramirez, Engineering Department, explained that selections were made by the A&E Committee.

Motion made by Representative Sumrall, seconded by Representative Cobos and unanimously carried to approve the above resolution.

.....

**ADDITION TO THE AGENDA**

**\*RESOLUTION**

**WHEREAS**, the Association of the United States Army (AUSA) is conducting its Air and Missile Defense Symposium from December 10 through 12, 2002, at the Judson F. Williams Convention Center; and

**WHEREAS**, there will be over 1,000 active military personnel and executives of defense contractors, most from outside the El Paso area, attending the symposium; and

**WHEREAS**, the Commanders' Reception, scheduled for Monday evening, December 9, 2002, will include more than 200 senior military officers, defense industry executives, and local business and political leaders; and

**WHEREAS**, the Commanders' Reception affords an occasion for the City of El Paso to establish contact with individuals who may be able to locate manufacturing facilities and provide other economic development opportunities within the community; and

**WHEREAS**, the City Council of the City of El Paso finds that sponsorship by the City of the Commanders' Reception constitutes an important public purpose of benefit to the City and citizens of El Paso for which the City is willing to commit certain resources;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the actions of the Mayor on December 6, 2002, in allocating \$1,000 from Economic Development Department funds to help sponsor the December 9, 2002, Commanders' Reception of the AUSA Air and Missile Defense Symposium, are hereby ratified.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the City of El Paso and the County of El Paso, a political subdivision of the State of Texas, to allow for sharing of the City's 800 MHz conventional radio system which is designed for delivery of the entry level data radio application, text messenger, and which provides for a data link for Emergency Service Agencies and personnel to local, state, and national databases.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the City of El Paso, the El Paso County 911 District, a political subdivision of the State of Texas, and the County of El Paso, a political subdivision of the State of Texas, to allow for sharing of the City's 800 MHz conventional radio system which is designed for delivery of voice radio communications, and which provides for a data link for Emergency Service Agencies and personnel to local, state, and national databases.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the City of El Paso and Socorro, a political subdivision of the State of Texas, to allow for sharing of the City's 800 MHz conventional radio system which is designed for delivery of the entry level data radio application, text messenger, and which provides for a data link for Emergency Service Agencies and personnel to local, state, and national databases.

.....  
\*Motion made, seconded and unanimously carried to re-appoint Gerald L. Fleharty to the Electrical Board of Appeals by Representative John Cook.

.....  
\*Motion made, seconded and unanimously carried to re-appoint William Wickline to the RSVP Advisory Council by Representative John Cook.

.....  
\*Motion made, seconded and unanimously carried to appoint Leon C. Metz to the History Museum Board by Representative Rose Rodriguez.

.....  
\*Motion made, seconded and unanimously carried to appoint Ernesto L. Rivera to the Mayor's Advisory Board on Aging by Representative Rose Rodriguez.

.....  
\*Motion made, seconded and unanimously carried to authorize to allocate \$1,000.00 from District 2 Discretionary to the Wellington Senior Citizen Center to assist with Center's Christmas Party by Representative Rose Rodriguez.

.....  
Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:48 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

|                 |  |
|-----------------|--|
| Section 551.071 | CONSULTATION WITH ATTORNEY               |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY     |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS                        |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES  |

**A.** Request that the Director of Purchasing be authorize a three (3) month extension to the current contract with PEBSCO (Nationwide Retirement Solutions). This extension is necessary to provide additional time for contract negotiations on a new contract and for a transition period to move in the new contract. Contract No. 98-0498, January 1, 2003, through March 31, 2003.

|                 |                               |
|-----------------|-------------------------------|
| Option No.:     | N/A                           |
| Account No.:    | N/A                           |
| Funding Source: | N/A                           |
| Department:     | Office of Management & Budget |

|           |           |           |                                     |
|-----------|-----------|-----------|-------------------------------------|
| <b>B.</b> | RFP No.:  | 2003-009R | Deferred Compensation Administrator |
|           | Award to: |           | ING Financials Advisors             |
|           |           |           | Fairfax, VA                         |
|           | Item (s): |           | All                                 |
|           | Amount:   |           | N/A                                 |

|                  |                                       |
|------------------|---------------------------------------|
| Department:      | Office of Management and Budget       |
| Funds available: | N/A                                   |
| Funding source:  | Employee Voluntary Contributions Only |
| Total award:     | N/A                                   |

The OMB Legislative Review Committee based on evaluation factors established for this RFP recommend award to ING Financials Advisors, LLC.

This is a three (3) year contract with the option to extend the contract for two additional one-year periods.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review any related contract documents and agreements necessary.

The final contract will be placed on the City Council agenda, at a future date for City Council final approval and authorization to execute contract agreements, the Mayor to execute and to proceed.

- C. An Ordinance granting to Southern Union Company, a Delaware Corporation, permission and authority to assign and transfer to ONEOK, Inc., an Oklahoma Corporation, its rights and obligations under Ordinance No. 014360, as amended by Ordinance No. 014496, which grants certain non-exclusive powers, licenses, rights-of-way, privileges and franchise to construct, operate and maintain in the City of El Paso, Texas, a natural gas distribution system.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to adjourn the Executive Session at 1:17 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

.....  
 Motion made by Representative Sumrall, seconded by Representative Cook and carried to approve that the Director of Purchasing be authorize a three (3) month extension to the current contract with PEBSCO (Nationwide Retirement Solutions). This extension is necessary to provide additional time for contract negotiations on a new contract and for a transition period to move in the new contract. Contract No. 98-0498, January 1, 2003, through March 31, 2003.

|                 |                               |
|-----------------|-------------------------------|
| Option No.:     | N/A                           |
| Account No.:    | N/A                           |
| Funding Source: | N/A                           |
| Department:     | Office of Management & Budget |

Representative Rose Rodriguez voted Nay.

.....  
 Motion made by Representative Medina, seconded by Representative Cook and carried to postpone one (1) week RFP No. 2003-009R Deferred Compensation Administrator.

.....  
 Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to postpone one (1) week an Ordinance granting to Southern Union Company, a Delaware Corporation, permission and authority to assign and transfer to ONEOK, Inc., an Oklahoma Corporation, its rights and obligations under Ordinance No. 014360, as amended by Ordinance No. 014496, which grants certain non-exclusive powers, licenses, rights-of-way, privileges and franchise to construct, operate and maintain in the City of El Paso, Texas, a natural gas distribution system.  
 .....

Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried to adjourn this meeting at 1:20 p.m.

APPROVED AS TO CONTENT:

A handwritten signature in black ink, appearing to read 'R. Momsen', is written over a horizontal line.

Richarda Duffy Momsen, City Clerk